IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19048 of 2004

Between:

1. Palle Pulla Reddy, S/o. Late P. Subba Reddy, Hindu,
O.P. No. 395/97, CMP No. 30135/03 in A.S.No. 1407 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
2.Pasula Chinna Siva Reddy, S/o. Late Rami Reddy,
O.P. No. 387/97, CMP No. 30145/03 in A.S.No. 1404 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
3.Ambati Veera Reddy, S/o. Venkata Reddy,
O.P. No. 364/97, CMP No. 3018/04 in A.S.No. 1415 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
4.Kummati Sivarami Reddy, W/o. Late Chinna Venkata Reddy,
O.P. No. 384/97, CMP No. 3020/04 in A.S.No. 1372 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
5.Palle Rami Reddy, W/o. Late P. Nagi Reddy,
O.P. No. 388/97, CMP No. 30134/03 in A.S.No. 1412 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
6.Kummati Krishna Reddy, S/o. Late K. Rosi Reddy,
O.P. No. 386/97, CMP No. 3016/04 in A.S.No. 1371 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
7.Pasula Balaswamy Reddy, S/o. Chinna Venkata Reddy,
O.P. No. 396/97, CMP No. 30128/03 in A.S.No. 1432 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
8.Pasula Linga Reddy, S/o. Pedda Venkata Reddy,
O.P. No. 397/97, CMP No. 3002/04 in A.S.No. 1613 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
9.Putcha Nagamma, W/o. Late P. Pakki Reddy,
O.P. No. 394/97, CMP No. 30144/03 in A.S.No. 1483 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
10.Pasula Pulla Reddy, (died) by his L.R. P. Venkatarami Reddy,

S/o. Late P. Pulla Reddy, O.P. No. 423/97, CMP No. 30138/03 in

A.S.No. 1611 of 2002 R/o. Bathulurupadu Village,

Banaganapalle Mandal, Kurnool District.
11.Kummati Venkata Rami Reddy, S/o. K. Rosi Reddy,
O.P. No. 385/97, CMP No. 3023/03 in A.S.No. 1370 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
12.Uppuluru Pullamma, W/o. Late Seshi Reddy,
O.P. No. 366/97, CMP No. 2708/04 in A.S.No. 1427 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
13.Putcha Venkaa Rami Reddy, S/o. Late China Chenchi Reddy,
O.P. No. 376/97, CMP No. 3007/04 in A.S.No. 1431 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
14.Palle Ramakrishna Reddy, S/o. Late P. Seshi Reddy,
O.P. No. 422/97, CMP No. 3013/04 in A.S.No. 1606 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
15.Kami Reddy Chinnapu Reddy, S/o. Late Chinna Maddileti Reddy,
OP NO. 363/97, CMP NO. 30142/03 in AS No. 1614/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
16.Bobbala Easwar Reddy, S/o. of Late Nagi Reddy,
OP NO. 392/97, CMP NO. 30132/03 in AS No. 1443/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
17.Mekala Pedda Sunkanna (died) by his L.R. M. Balaguramma,

W/o. Late Mekala Pedda Sunkanna,
OP NO. 414/97, CMP NO. 3027/04 in AS No. 1482/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
18.M. Ramanjaneyulu, S/o. Late M. Madduleti,
OP NO. 415/95, CMP NO. 30130/03 in AS No. 1546/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
19.Papagari Reddy Gari Thimma Reddy, S/o. Late Veera Reddy, Hindu,
O.P. No. 369/97, CMP No. 30129/03 in A.S.No. 1380 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
20.K. Balarosi Reddy, S/o. Late K. Linga Reddy,
O.P. No. 375/97, CMP No. 30139/03 in A.S.No. 1615 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
21.G. Venkatrami Reddy, S/o. G. Hussain Reddy,
O.P. No. 380/97, CMP No. 30141/03 in A.S.No. 1405 of 2002

R/o. Banaganapalle Village and Mandal, Kurnool District.
22.Putcha Pedda Pakki Reddy, S/o. Late Chinna Chenchu Reddy,
O.P. No. 383/97, CMP No. 3012/04 in A.S.No. 1408 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
23.P. Pedda Siva Reddy, S/o. P. Pedda Bala Venkata Reddy,
O.P. No. 393/97, CMP No. 30137/04 in A.S.No. 1409 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
24.Smt. Pasula Pullamma, W/o. Late P. Narayana Reddy,
O.P. No. 391/97, CMP No. 30127/03 in A.S.No. 1604 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
25.Pasula Pakki Reddy, S/o. Rami Reddy,

O.P. No. 365/97, CMP No. 3019/04 in A.S.No. 1600 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
26.Palle Rajeswara Reddy, S/o. P. Nagi Reddy,
O.P. No. 372/97, CMP No. 3014/04 in A.S.No. 1379 of 2002

R/o. Bathulurupadu Village, Banaganapalle Mandal, Kurnool District.
27.Anwarullah Khan, S/o. Rasul Khan,
OP NO. 371/97, CMP NO. 3021/04 in AS No. 1421/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
28.Patan Shafirulla Khan, S/o. Nawaz Khan,
OP NO. 367/97, CMP NO. 30140/03 in AS No. 1411/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
29.B. Rami Reddy, S/o. Late Rami Reddy,
OP NO. 368/97, CMP NO. 30131/03 in AS No. 1418/02

R/o. Banaganapalle Village and Mandal, Kurnool District.
30.Khaja Bi @ Chitti Bi, W/o. Abdul Khadar,
r/o. Allagadda, Kurnool District.

OP No. 374/97 CMP NO. 3028/04 in AS No.1438/02
31.M. Venkata Subbaiah, S/o. M. Balanna,
R/o. Yennakandla Village, Banaganapalle Mandal, Kurnool District.
OP No. 381/97 CMP NO. 30143/03 in AS No.1602/02
32.Kummati Rosi Reddy (died) by his L.Rs. a) K. Venkata Rami Reddy,

S/o. Late K. Rosi Reddy, B) K. KrishnaReddy,S/o. Late K. Rosi Reddy, C) K. Srinivasa Reddy,S/o. Late K. Rosi Reddy
R/o.Bathulurupadu(Vil)Banaganapalle Mdl.Kurnool District

OP No. 389/97 CMP NO. 3003/04 in AS No.1428/02
33.Jakka Veeraiah (died) by his L.R. J. Satyanarayana,

S/o. Late J. Veeraiah, R/o. M.S.Nagar, Nandyal, Kurnool District.

OP No. 379/97 CMP NO. 3011/04 in AS No.1402/02
34.Mallu Pulla Reddy (died) by his L.R.

M. Madana Mohan Reddy, S/o. Late M. Pulla Reddy,
R/o. Biruvolu Village, Banaganapalle Mandal, Kurnool District,
OP No. 398/97 CMP No. 3001/04 in AS No. 1447/02 **..... PETITIONERS**

AND

1.The Special Deputy Collector, (LAO)

S.R.B.C. Nandyal, Kurnool District.
2.The Income Tax Officer, Ward No. I,

Nandyal, Kurnool District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the respondents herein not to deduct any amount from the compensation amounts payable to the writ petitioners under the Civil Court Decrees towards income Tax to be deposited towards interest on solatium and interest on additional market value and pay the amount to the petitioners forthwith.

Counsel for the Petitioners: MR.M.SUBBA REDDY

Counsel for the Respondent No.1: G.P. for Revenue

Counsel for the Respondent No.2: MR.J.V.PRASAD

The Court made the following :

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THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 19048 of 2004

ORDER: (PER Sri Bilal Nazki, J)

Both Counsel agree that similar controversy has already been decided by a Division Bench of this Court in W.P.No.3934 of 1989 by judgment dated 13th December, 1995 and the present controversy is squarely covered by the said judgment. Therefore, we dispose of this writ petition with a direction that the directions given in W.P.No.3934 of 1989 by the Division Bench of this Court will govern this case as well. No costs.

(BILAL NAZKI, J)

14th October, 2004

(S.ANANDA REDDY, J)

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Copy to:

1.The Special Deputy Collector, (LAO)

S.R.B.C. Nandyal, Kurnool District.
2.The Income Tax Officer, Ward No. I,

Nandyal, Kurnool District.

3.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

4.Two CD copies.